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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,775	03/31/2004	Robert R. Cutlip	RSW920030182US1	8304
43168 7590 04/18/2007 MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742			EXAMINER AHN, SANGWOO	
			ART UNIT 2166	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/814,775	Applicant(s) CUTLIP ET AL.	
	Examiner Sangwoo Ahn	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's communication filed on 2/2/2007 has been entered.

Claims 1 and 3 – 21 are pending in this Office Action.

Claims 1, 5, 7 – 8, 11 – 13 and 18 – 19 have been amended.

Claims 20 – 21 have been added.

Response to Arguments

Applicant's arguments with respect to claims 1, 5, 18 and 19 have been considered but are moot in view of the new ground(s) of rejection.

For the sake of clarification, Examiner would still like to discuss the major point in dispute. From the Examiner's understanding, the Applicants alleged that the geospatial objects recited in their claims are different from the multidimensional data in the prior art. The Examiner still maintains that the geospatial objects recited in the Applicant's claims do not distinguish themselves from the multidimensional data in the prior art. In page 10 lines 9 – 11 of the instant specification, Applicants referred cube structures as geospatial iceberg cubes or, equivalently, as geospatial cubes, where these terms may be defined as a graphical representation of data in multiple dimensions leveraging relational spatial structures (Examiner would also like to note that the claims recite "geospatial objects," not "geospatial cubes."). The aforementioned feature is exactly what the prior art suggests, particularly in column 3 lines 55 – 62, "collecting performance data ... and storing the performance data as multidimensional data organized according to a plurality of dimensions ... One dimension of the plurality of

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dimensions is a hierarchical time dimension ... Another dimension ... is a component dimension."

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what Applicants' intended metes and bounds of the claim are, since the use of the word "operable" in line 3 merely suggests an option that the particular function (operating on at least one computer) may or may not happen.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 18 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of "operable" clearly suggests making an option to perform functionality, but not actually providing that functionality exclusively. "Configured" indicated that at point in time, the functionality would have occurred, while "capable," "adapted/adaptable," and "operable" suggest an option that it may or may not happen.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Number 6,804,714 issued to Venkat Ranga Teddy Tummalapalli (hereinafter "Tumma").

Regarding claim 1, Tumma discloses,

A method of using geospatial operations of a geospatially-enabled database system to analyze a service level management system ("SLMS"), comprising steps of:

- collecting a plurality of measurements pertaining to the SLMS (column 3 lines 55 – 56, et seq.);
- programmatically constructing geospatial objects from the collected measurements (column 3 lines 57 – 58, et seq.); and
- using the constructed objects as input to geospatial operations provided by the geospatially-enabled database system (column 5 lines 11 – 13, column 7 lines 23 – 36, et seq.).

Regarding claim 3, Tumma discloses,

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the constructed objects include 2-dimensional planes (column 7 lines 31 – 33, et seq.).

Regarding claim 4, Tumma discloses,

the constructed objects include 3-dimensional planes (column 7 lines 31 – 33, et seq.).

Regarding claim 5, Tumma discloses,

A method of using geospatial operations of a geospatially-enabled system to evaluate 3-dimensional objects, comprising steps of:

collecting a plurality of measurements (column 6 lines 66 – 67, et seq.);

building a plurality of 2-dimensional planes by associating selected ones of the measurements (column 7 lines 31 – 36, et seq.);

building one or more 3-dimensional cubes from a plurality of the 2-dimensional planes (column 7 lines 31 – 36, et seq.); and

evaluating at least one of the one or more 3-dimensional cubes using the geospatial operations the geospatially-enabled system (column 7 lines 23 - 36, column 13 lines 66 – 67, et seq.).

Regarding claim 6, Tumma discloses,

the measurements pertain to business processes (Figure 5A, et seq.).

Regarding claim 7, Tumma discloses,

the measurements are stored in the geospatially-enabled system (column 7 lines 56 – 65, et seq.).

Regarding claim 8, Tumma discloses,

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the 2-dimensional planes are stored in the geospatially-enabled system (column 7 lines 31 – 33, et seq.).

Regarding claim 9, Tumma discloses,
the measurements measure interactions among business partners (Figure 5a, column 13 scenario 8, et seq.).

Regarding claim 10, Tumma discloses,
the measurements are collected by a plurality of probes (column 6 lines 66 – 67, et seq.).

Regarding claim 11, Tumma discloses,
drilling down from an evaluated cube to evaluate at least one of the planes from which it was built (column 3 lines 64 – 67, et seq.).

Regarding claim 12, Tumma discloses,
evaluating at least one of the 2-dimensional planes using the geospatial operations of the geospatially-enabled system (column 7 lines 31 – 36, et seq.).

Regarding claim 13, Tumma discloses,
drilling down from an evaluated plane to evaluate at least one of the measurements from which it was built (column 3 lines 64 – 67, column 7 lines 37 – 48, et seq.).

Regarding claim 14, Tumma discloses,
each cube represents measurements for a plurality of service offerings in a service level management system (column 12 lines 49 – 53, column 13 lines 57 – 67, et seq.).

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Regarding claim 15, Tumma discloses,

each plane represents measurements for a plurality of collaborations among entities in a service level management system (column 7 lines 30 – 55, et seq.).

Regarding claim 16, Tumma discloses,

each measurement represents a key process indicator used to measure service in a service level management system (column 7 lines 30 – 55, et seq.).

Regarding claim 17, Tumma discloses,

the measurements are directed to evaluating conformance to service level agreements in a service level management system (column 12 lines 49 – 53, column 13 lines 12 – 13; 57 – 67, et seq.).

Regarding claim 18, Tumma discloses,

A system for using geospatial operations to analyze a service level management system ("SLMS"), comprising:

a geospatially-enabled database system, operable on at least one computer (column 7 lines 23 – 36, et seq.);

means for collecting a plurality of measurements pertaining to the SLMS (column 3 lines 55 – 56, et seq.);

means for constructing geospatial objects from the collected measurements (column 3 lines 57 – 58, et seq.); and

means for using the constructed objects as input to geospatial operations, wherein the geospatial operations are provided by the geospatially-enabled database

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system and the constructed objects comprise 2-dimensional planes and at least one 3-dimensional cube (column 5 lines 11 – 13, column 7 lines 31 – 33, et seq.).

Regarding claim 19, Tumma discloses,

A computer program product for using geospatial operations to evaluate 3-dimensional objects, the computer program product embodied on one or more computer-usable storage media and comprising:

computer-usable program code means for obtaining a plurality of measurements (column 3 lines 55 – 56, et seq.);

computer-usable program code for building a plurality of 2-dimensional planes by associating selected ones of the measurements (column 3 lines 57 – 58, column 5 lines 11 – 13, column 7 lines 31 – 33, et seq.);

computer-usable program code for building at least one 3-dimensional cube from a plurality of the 2-dimensional planes (column 3 lines 57 – 58, column 5 lines 11 – 13, column 7 lines 31 – 33, et seq.); and

computer-usable program code for evaluating at least one of the one or more 3-dimensional cubes using geospatial operations of a geospatially-enabled system (column 7 lines 56 – 65, column 13 lines 66 – 67, et seq.).

Regarding claim 20, Tumma discloses,

the measurements pertain to a plurality of service offerings in the SLMS (column 2 lines 29 – 51, column 3 lines 38 – 40, column 5 lines 5 – 7, et seq.);

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each 3-dimensional cube represents service offering failures, for at least two of the service offerings, over a time interval (column 5 lines 3 – 13; 40 – 41, column 7 lines 23 – 36, et seq.);

selected ones of the 2-dimensional planes represent service offering failures for each of the at least two service offerings, each of the selected planes representing a particular point in time during the time interval (column 5 lines 3 – 13; 40 – 41, column 7 lines 23 – 36, et seq.); and

the means for using the constructed objects as input to geospatial operations further comprises means for using the geospatial operations to analyze at least one of the service offering failures (column 12 lines 49 – 57, column 3 lines 62 – 66, column 8 lines 35 – 38, et seq.).

Regarding claim 21, Tumma discloses,

the measurements pertain to a plurality of service offerings in the SLMS (column 2 lines 29 – 51, column 3 lines 38 – 40, column 5 lines 5 – 7, et seq.);

each 3-dimensional cube represents service offering failures, for at least two of the service offerings, over a time interval (column 5 lines 3 – 13; 40 – 41, column 7 lines 23 – 36, et seq.);

selected ones of the 2-dimensional planes represent service offering failures for each of the at least two service offerings, each of the selected planes representing a particular point in time during the time interval (column 5 lines 3 – 13; 40 – 41, column 7 lines 23 – 36, et seq.); and

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the computer-usable program code for evaluating further comprises computer-usable program code for comparing a selected 3-dimensional cube representing service offering failures for selected one of the service offerings to a reference cube representing allowable service offering failures for the selected ones of the service offerings (column 5 lines 9 – 11, column 13 line 57 – column 14 line 15, et seq.).

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 10-6.

4/5/2007 SW

Patent Examiner Sangwoo Ahn
AU 2166


MOHAMMAD ALI
PRIMARY EXAMINER